

REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Restriction Requirement mailed on January 24, 2006.

No claims are amended, canceled, or added; as a result, claims 1-44 are now pending in this application.

Election/Restrictions

The restriction recites that the application contains claims directed to the following patentably distinct species of the claimed invention:

Species A, claims 1-14, 24 and 25

Species B, 15-23, 26-28, and 37-44

Species C, claims 29-33

Species D, claims 34-36

Applicant provisionally elects, with traverse, to prosecute the invention of Species A (i.e., claims 1-14, 24 and 25). The Restriction Requirement is traversed, at least in part, on the basis the restriction requirements are optional in all cases. MPEP 803. As the section further states, if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits.

Applicant notes that each independent claim (i.e., claims 1, 10, 15, 23-26, 29, 34, and 37) relates to “instruction(s)” or “information” in “eye mark(s)”.

Applicant respectfully submits that in searching for references regarding each of the claims in Species A, B, C, or D, the Examiner will likely be identifying references applicable to each of the independent claims in the other species. Therefore, a search for references to allow examination on the merits of all independent claims in the present application will not create a serious burden on the Examiner.

In addition, it is respectfully submitted that Applicant should not be required to incur the additional costs associated with filing multiple divisional applications in order to obtain protection of the claimed subject matter.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the Restriction Requirement, and that claims 1-44 of the present application be examined on the merits together.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Gregg W. Wisdom at (360) 212-8052 to facilitate prosecution of this matter.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS AMENDMENT Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 9th day of February, 2006.

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